

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:11-CV-459-D

PENTAIR WATER POOL AND SPA, INC.,)
and DANFOSS DRIVES A/S,)

Plaintiffs,)

v.)

HAYWARD INDUSTRIES, INC., and)
HAYWARD POOL PRODUCTS, INC.)

Defendants.)

ORDER

On September 6, 2012, Hayward Industries, Inc. and Hayward Pool Products, Inc. (“Hayward” or “defendants”), moved for leave to file a first amended answer, affirmative defenses, and counterclaims [D.E. 223]. On September 11, 2012, defendants moved for suspension of existing deadlines and to request a status conference [D.E. 225].

The scheduling order required any motions to amend pleadings to be filed by September 6, 2012 [D.E. 122]. Hayward moved for leave to file a first amended answer, affirmative defenses, and counterclaims within the time period set by the scheduling order. The Federal Rules of Civil Procedure allow a party to amend a pleading with the leave of court, and “[t]he court should freely give leave when justice so requires.” Fed. R. Civ. P. 15(a)(2). On the other hand, “[a] district court may deny a motion to amend when the amendment would be prejudicial to the opposing party, the moving party has acted in bad faith, or the amendment would be futile.” Equal Rights Ctr. v. Niles Bolton Assocs., 602 F.3d 597, 603 (4th Cir. 2010). The court has considered Pentair’s arguments in opposition to Hayward’s motion, but does not find prejudice, bad faith, or futility. Leave to amend is appropriate under the liberal standard of Rule 15(a)(2).

Hayward's motion for leave to amend [D.E. 223] is GRANTED. Hayward shall file the first amended answer not later than November 16, 2012. Hayward's motion for suspension of existing deadlines [D.E. 225] is GRANTED. Hayward's request for a status conference [D.E. 225] is GRANTED. The court will hold a status conference concerning this case at 11:00 a.m. on December 7, 2012, in Courtroom 1, Seventh Floor, Terry Sanford Federal Building and Courthouse, Raleigh, North Carolina. At that conference, the court will discuss pending motions and the development of a new scheduling order. The parties shall meet and confer concerning a new scheduling order before the hearing.

SO ORDERED. This 12 day of November 2012.


JAMES C. DEVER III
Chief United States District Judge